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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,735	05/24/2001	John C. Seibel	068082.0113	4250

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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
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2177

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DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,735

Applicant(s)

SEIBEL ET AL.

Examiner

Leslie Wong

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. Applicants' Information Disclosure Statement, filed 10 December 2003, has been received, entered into the record, and considered. See attached form PTO-1449.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Perkowski** (US 2003/0139975 A1).

Regarding claims 1 and 7, **Perkowski** teaches a text mining system and method for providing data identifying prospective customers of a product or service provided by a product/service provider, comprising:

- a). a data acquisition process for extracting text data from at least one Internet text source (i.e., customer sends retailer product related email) selected from the group of: newsgroups, discussion forums, mailing lists, and web sites; wherein the text sources are associated with participants of the text sources (§ 242);

c). a text mining server for receiving and executing searches of database, each query requesting a search for participants who are prospective customers of the product or service, thereby identifying at least one document containing information identifying a prospective customer who is discussing the product or service (i.e., registered manufacturer can access web documents that were reviewed by shoppers) (¶ 244);

d). a web server for providing access to the text mining server via a web browser and the Internet, such that the product/service provider may execute the searches on line via the Internet (Figs. 3A 10A and 3A 13A), and receive a query response containing the information identifying a prospective customer and a link to the document (i.e. using data mining) (¶ 243); wherein the web server (i.e., email server) is different from the servers (central email server) for the text data (Fig. 3A 13C).

Regarding claims 2 and 8, **Perkowski** further teaches wherein the corporate text files are items of digitally recorded correspondence (i.e., email) (¶s 242-244).

Regarding claims 3, and 9, **Perkowski** further teaches wherein the corporate text files are digital voice records (i.e., Voice-over-IP applications) (¶ 234).

Regarding claims 4 and 10, **Perkowski** further teaches wherein the data acquisition process is implemented with a web crawler (¶ 266).

Regarding claims 5 and 11, **Perkowski** further teaches wherein a user profiles database, and wherein the mining server further accesses the user profiles database for use in formulating queries (§ 212, (3) building detailed profile).

Regarding claims 12 and 14, **Perkowski** further teaches the step of electronically delivering advertising to the prospective customer (§ 75).

Regarding claim 13, **Perkowski** further teaches wherein the advertising is a link to a website (§s 75 and 190).

Regarding claim 15, **Perkowski** further teaches performing a reverse lookup for additional information about the prospective customer and wherein the delivering step further includes delivering the additional information (§ 672).

Regarding claim 16, **Perkowski** further teaches a reverse lookup process for performing a reverse lookup, via the Internet, for contact information associate with the potential customer, and wherein the web server further provides the contact information with the query response (§ 672).

Regarding claim 17, **Perkowski** further teaches receiving from the product/service provider, via a web browser, an identification of one or more of the Internet text sources to be searched by the product/service provider (§ 751).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Perkowski** (US 2003/0139975 A1) as applied to claims 1-5 and 7-17 above, and further in view of **Levac et al.** (U.S. Patent 6,034,970).

Regarding claim 6, **Perkowski** teaches Voice-over-IP applications in instances where telephonic hand-sets are provided at the kiosk, as shown in FIG. 3A3 through 3A7 (¶234).

Perkowski does not explicitly teach a step wherein the data acquisition process further accesses Internet voice-to-text files.

Levac et al., however, teaches a step of wherein the data acquisition process further accesses Internet voice-to-text files (col. 4, lines 4-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow data acquisition via voice-to-text files as diverse types of communication offer more flexible to users in the process of acquiring data on the Internet.

Response to Argument

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baron et al. (U.S. Patent 5,809,481)

Runge et al. (US 2002/0016735)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong
Patent Examiner
Art Unit 2177

LW
03 March 3, 2004



JEAN R. HOMERE
PRIMARY EXAMINER